

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

v.

Audible Magic Corporation,

Defendant.

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Case No. 6:15-cv-584

Lead Case

Jury Trial Demanded

**ORDER DENYING AUDIBLE MAGIC’S MOTION TO STRIKE BLUE SPIKE’S SUPPLEMENTAL
SUR-REPLY AND “DECLARATION OF SCOTT MOSKOWITZ” AND MOTION FOR SANCTIONS**

This matter came before the undersigned on Defendant Audible Magic Corp.’s Motion to Strike Blue Spike’s Supplemental Sur-reply and “Declaration of Scott Moskowitz” and Motion for Sanctions (Dkt. No. 47). Based on the record of this case and the parties’ briefing, IT IS HEREBY ORDERED that:

Audible Magic Corp.’s Motion to Strike Blue Spike’s Supplemental Sur-reply and Declaration of Scott Moskowitz is DENIED; and

Audible Magic Corp.’s Motion for Sanctions is DENIED

It is FURTHER ORDERED that the Court finds no fraud on the Court.